

2024:PHHC:016993
117 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2304-2015 (O&M)
Date of decision: 06.02.2024

Ladia Devi and others

....Petitioners

Versus

Chet Ram and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Atul Lakhanpal, Sr. Advocate with
Mr. Arvindpal Singh Grover, Advocate for the petitioners

Mr. Rajinder Goel, Advocate for respondent no.1

Mr.J.S.Pannu, AAG, Haryana

ANIL KSHETARPAL, J (Oral)

1. A strange order has been passed by the trial court while permitting the plaintiff to delete the names of defendant nos. 4 to 9 from the array of parties.

2. In order to comprehend the issue involved in the present case, some relevant facts, in brief, are required to be noticed.

3. Kanwar Bhan was a big landowner. In 1979, it was found by the competent authority that he was the owner in possession of the land more than the ceiling limit. Hence, his land, which was beyond the permissible limit, was declared surplus. Some part of the land was allotted to Sh.Sadhu Ram s/o Sh.Jee Ram, the predecessor-in-interest of the petitioners (defendants no.4 to 9) before the trial court. The plaintiff Sh.Chet Ram filed a suit claiming to be in possession of the property as tenant. He claims that he was not ordered to be evicted and while filing the suit, the plaintiff also claims that the order passed by the Sub

Divisional Officer-cum- prescribed authority (Surplus area) allotting the land in favour of the predecessor-in-interest of defendant no.4 to 9 on 31.07.1980, has become infructuous and not binding on his rights. During the pendency of the suit, the plaintiff (Sh.Chet Ram) filed an application for deletion of the names of the defendants no.4 to 9, which has been allowed, though opposed by the petitioners.

4. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

5. Learned senior counsel representing the petitioners submits that the petitioners are the necessary parties to the suit as the plaintiff is not only praying for the decree of the permanent injunction but also praying for the grant of decree of declaration that the allotment of land by the prescribed authority (surplus area) in their favour is rendered infructuous. He submits that the trial court has allowed the application without recording any reason.

6. On the other hand, the learned counsel representing Sh.Chet Ram (respondent no.1) submits that the plaintiff being dominus litius does not feel any threat from the petitioners and he being the master of the suit is entitled to withdraw the suit against the petitioners.

7. This Court has considered the submissions made by the learned counsel representing the parties.

8. It is evident that the plaintiff, on the one hand and defendants no.4 to 9, on the other hand, are having competing claims to the suit property. On one hand, the plaintiff claims to be in possession of the property as tenant whereas on the other hand, defendant no.4 to 9

claim to have been allotted the property as surplus area. In such circumstances, the trial court was not correct in ordering deletion of their names without recording cogent reasons. The court was required to apply its mind to the facts of the case in order to understand the evil design on the part of the plaintiff. In this case, it is evident that the plaintiff wants to establish his rights in the absence of defendant no.4 to 9, who are allottees. Such attempt should have been throttled at the very outset.

9. Keeping in view the aforesaid facts and discussion, the revision petition is allowed. The order dated 12.01.2015 permitting the plaintiff to delete the names of respondent no.4 to 9 from the array of parties is set aside. It has been brought to the notice of the Court that the plaintiff (respondent no.1) filed a writ petition claiming the suit land as tenant's permissible area, which was dismissed by the High Court on 22.09.2004. He prays for direction to the trial court for expeditious disposal of the suit.

10. Keeping in view the aforesaid facts, the trial court is requested to make sincere endeavour for expeditious disposal of the suit, which is pending for the last 10 years, preferably within a period of next nine months.

11. All the pending miscellaneous applications, if any, are also disposed of.

06.02.2024

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE